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Environment Impact Assessment, 2020

Prakhar Bajpai^a

^aRajiv Gandhi National University of Law, Patiala, India

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Last March, Prakash Javadekar, head of the Ministry of Environment, Forests and Climate Change (MoEFCC) published a draft of a new Environmental Impact Assessment, popularly known as (EIA Draft 2020). It replaces the current EIA notification for 2006. The government received 1.7 million responses on draft submissions through the general public during the Ministry's proposal window. According to many intellectuals and environmental experts, the EIA Notification will prove to be catastrophic in the long term as it makes it easier for the different construction projects to approve the environmental law norms, shorten the deadline for the public hearing, extend the deadline for the preparation of the compliance report and most importantly, this is considered to be the most controversial part of the so-called Draft, which will be called Post Facto, which prima facie ignores certain basic principles of environmental management that we will analyze later. Although according to the government it is committed to achieving a balance between economic development and the country's natural ecosystem, which will be reflected in the EIA Bill (if it comes at all).

Keywords: *public hearing, clearance compliance, environment.*

INTRODUCTION: EVOLUTION OF EIA

The United Nations Environment Program (UNEP) has defined an EIA as “an investigation, analysis, and evaluation of the activities planned with a view to sustainable and respectful development with the environment”. In the early 1960s, in response to rapid industrialization and pollution from injudicious use of natural resources, a movement started which later became a major driving force that laid the foundation for the development of EIA. ¹ The United States Congress introduced a new Bill which was named the National Environmental Policy Act (NEPA) in 1969, which required states to make an environmental impact affidavit. ²

From that time, several Countries from time to time have introduced mandatory issued EIAs to gain access to various development projects. The commitment to EIA standards is not only "horizontal" for other US states but has also expanded "vertically" and influenced the development of EIA standards in international politics.³ For example, if any country or for that matter an institution wants, to avail of loans and grants from international financial institutions such as the World Bank or International Monetary Fund, it is necessary for the party to comply with the EIA norms. Building on the same premise of the rule any and every Non-compliance of the same will negatively affect the agreement.

For example, in July 2019 the World Bank withdrew the loan agreed between them and the Andhra Pradesh government of the amount pertaining to \$ 300 million for Amaravati Institutional Development and Sustainable Infrastructure Project in Andhra Pradesh which was later dismissed following a complaint from farmers as the project was not fulfilling the EIA provision; following the complaints by the farmers.⁴ The current 2006 notification takes precedence over the practical aspect of creating a balance between "ecology" and "economy".

¹ Draft Environment Impact Assessment Notification 2020

² Richard K Morgan, 'Environmental Impact Assessment: the State of the Art' (2012) 30(1) Environment Impact Assessment and Project Appraisal

³ Goals and Principles of Environment Impact Assessment 1987

⁴ 'World Bank statement on Amravati and its ongoing partnership with Andhra Pradesh' (*The World Bank*, 2019) <<https://www.worldbank.org/en/news/press-release/2019/07/21/world-bank-andhra-pradesh-amaravati>> accessed 10 October 2021

Furthermore, regardless of the type of project, the CE is the necessary factor in environmentally sensitive areas.

The first EIA notification was in 1994 (EIA ACT, 1994), however, it only covered a few industries and left many out of reach, so the notification looked like an empty nutshell when it was registered, and the deficiency must exceed the 1994 framework, the 2006 framework published⁵. However, the published notice was far from perfect and full of fallacies, in more than 15 years after its publication there were so many inconsistencies with the various reports that were published as of now along with inconsistencies in the subsequent environmental clearance. and compliance monitoring.⁶ It has undergone several changes⁶ over the years due to different court rulings. In 2017, the expert committee of the Federal Ministry of the Environment issued a public hearing for coal mining projects, in which capacity was increased by up to 40 percent. However, the relaxation was subjected to due diligence by the EAC.⁷ In 2015, the Ministry extended the validity of environmental clearance from 5 years to 7 years.

EIA A BANE OR A BOON

India is a state, that is 75 years old and experienced constant environmental exploitation in the pre-independence period, that is, during the colonial era and after independence, especially in the post-liberalization period.⁸ Pollution also increased as a by-product of deforestation, vehicular smoke, the use of dangerous chemicals, improper disposal methods, and various other undesirable human activities. The human error that led to tragedies such as the Bhopal gas tragedy and the LG Polymers gas leak incident has only been highlighted and brought to the public table for discussion of very serious issues like these on the need for introspection and rectification. Managing pollution regulators to prevent further environmental degradation may seem plausible, based on the premise that it is of the

⁵ PTI, 'Government extends validity of environment clearance to 7 years' (*Economic Times*, 2015) <<https://economictimes.indiatimes.com/news/economy/policy/government-extends-validity-of-environment-clearance-to-7-years/articleshow/49452693.cms?from=mdr>> accessed 10 October 2021

⁶ Ministry of Environment, Forest and Climate Change 2020

⁷ Ministry of Environment, Forest and Climate Change, Office memorandum, F No 22-35/2020-IA.III

⁸ Maria Khan and Md Tarique, 'Environmental Impact of Industrial Liberalisation in India' (*Research Gate*, 2017) <https://www.researchgate.net/publication/330483002_Environmental_Impact_of_Industrial_Liberalisation_in_India> accessed 10 October 2021

utmost importance to verify that industries and other downstream polluting industries are complying with the safety regulations and standards issued by the courts. to review the consequences of your activity. Although the objective of the EIA is to protect the environment, analysts indicate that its effects appear limited.⁹ The UNEP in its 2018 evaluation of national EIA legislation suggested that there was an attempt to weaken the EIA process in some countries in order to speed up the development process.

THE CONTROVERSY BEGINS

In March 2020, a draft notice was issued replacing the 2006 notice for public comment. Since then, there have been many protests calling for a re-evaluation of the draft proposal. Meanwhile, in a memorandum from the Office of November 18, 2020, the government proposed new rules for the proper functioning of the process in order to reduce the number of days it takes the authorities to issue EC. That's 30 days to 20 days. This corresponded with the central role of the government that development should not be hampered by environmental regulations. Subsequently, another Office Memorandum was issued on March 15, 2021, aimed at expediting the process of obtaining environmental permits in relation to the essential details required.¹⁰ Earlier this year, another notification was issued on March 18, 2021, in which the centre excluded from the public hearing all projects whose environmental approval had expired and therefore had to be reapplied. According to the notification, the prior environmental authorization for a project was granted for a period of no more than ten years and in some cases five years, and projects that did not meet the terms of the respective years had to go through the entire new scope process, including holding a public hearing. Notwithstanding this rule; under the new amendment, the fundamental step of conducting a public hearing is not mandatory if at least 50% of the project is completed on the basis that this rule will be helpful in conducting the development projects without further delay. All in the

⁹ Anubhuti Vishnoi, 'Draft EIA in Line With Green Rules, Court Rulings: Prakash Javadekar, Environment Minister' (*The Economic Times*, 2020) <<https://economictimes.indiatimes.com/news/politics-and-nation/draft-eia-in-line-with-green-rules-court-rulings-prakash-javadekar-environment-minister/articleshow/77578695.cms>> accessed 09 October 2021

¹⁰ 'List of Office Memoranda and Circulars Issued on Eia' (*Environmentclearance.nic.in*, 2021) <http://environmentclearance.nic.in/report/Office_Memoranda_Circulars.aspx> accessed 11 October 2021

draft notification proposed by the ministry lacks fundamental rationale at its core; Drilling to the bedrock of the controversial issues of the draft, this article has identified 3 problems of the same.

PUBLIC PARTICIPATION

As part of the EIA, four steps are generally followed by screening, scoping, public participation, and evaluation. Public participation as the most important step in this framework has been widely recognized as an essential element of the EIA. This was given due weight at the Rio Conference on Environment and Development 1992, which stated that "environmental issues are best dealt with with the participation of all concerned citizens at the appropriate After a change was made in 1997 to the EIA notification of 1994, the Indian authorities adopted the principle of public consultation for *Environmental Clearance (EC)*. Unfortunately, the public consultation process has been undermined by a number of factors, including the poor quality of information, the lack of mechanisms to ensure the effective participation of local communities, and general exemptions for certain categories of public consultation projects. As a result, the Indian judiciary has had to intervene from time to time and reinterpret the procedural aspect of the public hearing. For example, between May 2012 and May 2016, 31 judgments were passed on the public hearing aspect.¹¹

Returning to the contentious issue regarding the public hearing, it all started with an important amendment proposed by the ministry in the 2020 draft, which consisted of reducing the term of the public hearing by 10 days from 30 days to 20 days. The government cited the reason for this reduction was being made to accelerate ongoing projects and in keeping with modern times given the growth of the internet and telecommunications. According to this research, the 30-day timeframe itself was very little quite inadequate In itself, the general public without basic knowledge of the law to obtain

¹¹ MP Ram Mohan & Himanshu Pabreja, 'Public Hearings in Environmental Clearance Process: Review of Judicial Intervention' (2016) 51(50) Economic and Political Weekly 68,75

the provisions of the project, and many times the information did not reach the stakeholders that were directly affected by it and lived in remote and inaccessible areas.¹²

Moreover, by dividing the number of projects into A (Projects like thermal power projects and airports which are capital intensive projects that have the highest jolt on the environment are evaluated by the Ministry of Environment, Forest, and Climate Change), B1 (Projects that have a lesser environmental impact.) and B2 (Projects that have the least environmental impact.). On the basis of the risk to the environment, a large number of projects are exempt from public scrutiny. Hence the Projects under Category A and B1 will require a compulsory affidavit of EC wherein the Projects falling under the category projects are required to be sanctioned by central agencies while Category B1 projects will be sanctioned by state agencies. Category B2 projects, meanwhile, do not require mandatory EC¹³ On the other hand, the project that falls into category B2 does not require a mandatory inspection. The exemption list also includes all inland waterway and national highway projects. It is also concerning that construction projects of up to 150,000 m² are excluded from the EIA.

According to this research, state governments in states with significant tribal populations deviated from this provision because the draft does not comply with constitutionally guaranteed tribal rights. News of such a report is often late until inquiries are considered and approvals are given. This provision violates Principle 10 of the Rio Declaration, which states that "environmental issues are best dealt with the participation of all stakeholders." Clause 26 of the 2020 draft EIA notice excludes a long list of projects from the scope of the EIA. In addition, Clause 14 of said notice excludes several projects from the public hearing. In addition, the hearing Public is also excluded for category B2 projects. According to the established framework, the project, which has direct implications of "defense and national security" and "strategic implications", is defined and categorized by the central government, and therefore both are excluded from public consultation, which includes: As expressly stated in the draft that all "linear projects" such as roads and underground

¹² 'Project Management' (BC Campus) <<https://opentextbc.ca/projectmanagement/chapter/chapter-5-project-stakeholders-project-management/>> accessed 12 October 2021

¹³ 'Environmental Impact Assessment' (Drishti IAS, 6 January 2020) <<https://www.drishtiiias.com/to-the-points/paper3/environmental-impact-assessment-1>> accessed 12 October 2021

pipelines that are within 100 km of the Actual Line of Control will be exempt from the public hearing, although after the recent clashes between the Indian Army and the Chinese PLA in the Ladhak region¹⁴ and given the need to improve infrastructure development along with border areas, this specific provision of the LoC should not be subjected to any problem given the attached national defense strategy, but authorities should be careful not to ignore the degree of degradation of biodiversity up to 1000 km. Although the researcher notes that this provision as a whole gives the central government tremendous power to designate any project as strategic. There are already widespread protests in states like Meghalaya, which are rich in resources like uranium.¹⁵

POST-CLEARANCE COMPLIANCE

Ex post compliance, whereby, for any project once approved by the competent authority, project proponents are required from time to time to follow certain established rules of EIA legislation to ensure that there is no minimal or no damage to the environment. There have been several cases in the past where the proponents of these projects were seriously disregarding the rules (JPL) and Coal India South Eastern Coalfields (SECL), March 2020. The 2016 report by the Comptroller and Auditor General of India (CAG) on 'Environmental Clearance and Post Clearance Monitoring'¹⁶ mentioned several deficiencies in the fulfillment of the conditions of the EC. All this included the non-compliance of the necessary conditions of the permits of the competent authorities for the evacuation of the ecosystem of an area in which the project must be finished; no independent accountant and no budget allocation for the environmental management plan (PGA); irregular use of groundwater; Change in scope of work after receiving CE; No construction of structures to catch rainwater and housing complexes for workers;

¹⁴ Ajai Shukla, 'Confrontation Between China, India with PLA Troops Back in Eastern Ladakh' (*Business-standard.com*, 2021) <https://www.business-standard.com/article/current-affairs/border-row-china-india-clash-again-with-pla-back-in-eastern-ladakh-121071301363_1.html> accessed 13 October 2021

¹⁵ 'EIA Analysis of Uranium Blocks in Meghalaya' (*Cseindia.org*, 2010) <<https://www.cseindia.org/eia-analysis-of-uranium-blocks-in-meghalaya-468>> accessed 08 October 2021

¹⁶ Union Government, Ministry of Environment, Forest and Climate Change, Report No 39 of 2016

Irregularities in emergency aid and rehabilitation; Violation when handling hazardous waste materials; and deficits in green belt development.

In contrast to the 2006 Notification, which required the bi-annual submission of the compliance report, the new draft EIA now provides for the reports to be submitted once a year. The researcher believes that extending the reporting period from twice a year to once a year will give project proponents the opportunity to ignore the environmental code by allowing them to hide devastating mistakes that may have greater consequences in the near future as we saw in the case of the gas leak in Bhopal or chemical leak in Vishakhapatnam.

This was not enough, because the compliance report is not prepared by an independent organization or authority, but only by project proponents and government agencies which will have no inspection, and thus the authenticity of the compliance report submitted by them cannot be full-proof and may have greater consequences. The researcher reaches the conclusion that the provisions of the law can easily be overlooked in the preparation of the report. In July 2020, a bench under the leadership of NGT President Judge Adarsh K. Goel said that the mechanism for monitoring environmental standards was insufficient and therefore asked MoEFCC to monitor EC release conditions "at regular intervals, at least once a quarter."

In conclusion, the Compliance Report contains all the standards and regulations that the industry follows regularly. It is an essential aspect of the EIA, as it helps the authorities concerned to establish a system of checks and balances. However, according to the draft EIA 2020, this period has been extended to one year, giving industrial firms unjustified freedom to seriously violate environmental regulations and easily cover them up.

POST-FACTO CLEARANCE

Another controversial proposal in the 2020 draft is the granting of a "post facto release," in which any project that has previously been operated without environmental release can be timed to be requested for legalisation of the project. In April 2020, the court ruled in

Alembic Pharmaceutical v Rohit Prajapati that “environmental law cannot tolerate the introduction of a subsequent authorization.”¹⁷ Institutions or companies that violate Law

must pay the fine if they wish to receive the new affidavit from the EC. However, this determination follows a very conventional and outdated technique that does not really have any effect on projects that have turnover in million rupees and easily get away with the payment of the nominal amount and therefore without taking into account the provision. . This seemed quite irrational on the part of the government, as India have had seen several disasters in the past due to non-compliance with environmental permits. Recently, in addition to the LG Polymers gas leak in Vishakhapatnam, Andhra Pradesh; In Tinsukia, Assam, and Oil India Ltd. natural gas well exploded and caught fire. To clarify, the Assam State Pollution Board stated in a conference that this plant has been operated by the board for 15 years and without getting all clearance EC, now according to EIA 2020 draft which in fact is reflected in Oil India. Ltd, you can easily get your hands dirty by paying just a small fee and without damaging your environmental stature.

The current draft clearly shows us that the idea of a post-facto regulation has received the green light that it will actually have an impact on environmental laws. Post facto is not a new idea in practice, but rather the by-product of the system that includes the participation of the government, courts, and legislators, who have from time to time allowed this rule to be regarded as de facto in recent years. The core idea behind the post facto rules that anyone who invests large sums of money in making illegal large shopping centers, mining, industry, it is usually presumed that the investment was made in the good faith and since it will benefit the economy there has to be some kind of leverage given to the project proponent There is also the presumption that the law was violated by the person was not malafide but out of "ignorance". The government believes that taking criminal action would create barriers to "doing business more easily"; while for the courts, such illegal activities were justified with an emphasis on the need for a balance between environment and development. Unfortunately, the contravention of environmental law is tagged and packed as "development". However, the

¹⁷ *Alembic Pharmaceuticals Ltd v Rohit Prajapati & Ors* Civil Appeal No 1526/2016

standard encourages industries to continue their operational activities without even worrying about the authorization certificate, since in the near future they will be legalized through the payment of the fine, thus opening a series of infractions headed by this standard.

JUDGEMENTS & COURT'S APPROACH

Since the draft notice was published, several petitions have been filed in courts across the country calling for judicial review of certain controversial issues, this was highlighted in the case of *Alembic Pharmaceuticals Ltd. v Rohit Prajapati & Ors.*¹⁸, the Supreme Court upheld the decision of western zone NGT stating that the concept of *ex post facto* contradicts, by all means, the basic principles of environmental law, the encompass of different aspects of the law that provide the protection of the law and thus violates previous EIA notifications. In the present case, it was also found and quoted by the court that the execution of such a project would lead to irreversible deterioration of the environment. The issuance of such problematic environmental reports violates the precautionary principle (*a fundamental tool to practice and forward the concept of sustainable development*). Furthermore, these emissions nullify the principle that the polluter pays and convert it into the principle that the polluter pays. The court relied on its earlier judgment in *Common Cause v Union of India*.¹⁹ In this case, the Supreme Court ruled that “the concept of a subsequent or retroactive CE is completely alien to environmental jurisprudence, including the 1994 EIA and the 2006 EIA”. Therefore, based on the ruling of the Honorable Supreme Court in the two cases mentioned above, it can be determined that the *ex post facto* approvals cannot be maintained, are in accordance with the law, and are void.

In the case of *Puducherry Environment Protection Association v The Union of India*.²⁰ The Madras High Court had approached the subject in a different light. The contention that came before the courts was whether the environmental safety provisions under EIA can be relaxed

¹⁸ *Ibid*

¹⁹ ‘Important Judgment of the Supreme Court of India’ (*nhrc.nic.in*) <[²⁰ *Puducherry Environment Protection Association v The Union of India* \(2017\) 8 MLJ 513](https://nhrc.nic.in/press-release/important-judgment-supreme-court-india-1#:~:text=215%20of%202005%20%2D%20Common%20Cause,execute%20an%20advance%20medical%20directive.&text=The%20judgment%20has%20paved%20the,under%20a%20%22living%20will%22.> accessed 13 October 2021</p>
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looking at the number of jobs the project is going to be providing to the people living nearby the area in the form of their livelihood. After many hearings, The Madras High Court reached a point where it was concluded that this necessarily should be not the case and there should be no precedent laid on the following method by relaxing the norms but the environmental regulation can be controlled. After much deliberation, the HC concluded that violations of environmental regulations can be controlled conveniently and effectively. He also emphasized that a later publication removes the scope of the EIA.

Previously, the National Green Tribunal in *S. P. Muthuraman v. Union of India*²¹ noted that it is absolutely irrational on the part of the administrators to conduct the clearance inspection after the start or end of the project, the courts shouldn't recognize this type of foul play. The bench unanimously stated that this practice of post-facto clearance is unreasonable, unjustified, and illogical considering the fact that EIA is an internationally practiced and recognized formula and by granting post facto approvals thereby giving the chance to legalize and legitimize the illegal and unlawful projects which flout the basic environmental regulations which inevitably undermine the very sole purpose of the 1986 Environmental Protection Act process that was making it easier for industries to evade the accountability. Several courts from time to time had addressed this contentious issue of post-facto.

A CITIZEN-BASED APPROACH

In fact, the EIAs being carried out today are not timely and are only prepared in a complementary way, in addition to the check and balance provisions, although this does not mean that the current EIA announcement from 2006 is not a good one. As always, laws are being formulated more strictly and strictly, but implementation is sluggish. The EIA has the basic idea that an evaluation report should be prepared before the start of the project but the eccentric provisions as discussed earlier violated the basic tenet of environmental law thus handing over massive powers at the hands of the representative government or the promoters of the project without the participation of a stakeholder who will be directly affected in the

²¹ *SP Muthuraman v Union of India* 2018 (8) FLT 498

future by something dangerous that is similar to saying: All thieves who steal something from someone's house are only having authority to complain about the theft and no one else. Last year, there was a gas leak in Vishakhapatnam, where the company that manages it (LG Polymers), operated without permits. Now, if the inspection authority was vigilant in their work and did not see it as a complementary task, in this case, the leak may be stopped, the company's authorities confirmed that they were working without any permission, the next question that arises is why the plant was operating a place where people lived nearby.?

Coal has always been one of the main air pollutants in India. Now to remove the coal from the burials, there have to be coal mines that are normally located in central India, which is also the largest forest area, now to transport the coal from the coal mines to the designated location there must be railway lines. Both the coal mine and interface of railway line in and through forest area will lead to large-scale deforestation. Already Rs 50,000 crore has already been allocated to transporting coal²². According to recent scientific research, a new disease could emerge or could spread if man-made interfaces continue to be built at this rate, this is because of deforestation that ends up creating a situation that the world would have never seen before, now to create more coal mines there has to be a large amount of deforestation to bring it to the functioning long with the railway interfaces, the government could declare any of these projects as "strategic" and no one would be able to do a thing, The makers of draft seem to have little trust in these kinds of scientific findings.

What seems good about the criticism is that the general public has come forward to understand and criticize something as complex as EIA notification, The environment is for everyone, it is not just for wild animals or for environmentalists for the matter of fact is for the general public. We should appreciate the democracy we live in where people were allowed to be given the platform to comment on it, it would be great if every citizen takes time to gain expertise on the issues like EIA that affects everyone in the eco-system The citizens must read EIAs, critique the draft if they have the problem with it as a stakeholder and need to inform

²² Meenakshi Ray, 'Govt To Spend Rs 50,000 Crore To Develop Coal Sector: Nirmala Sitharaman' (*Hindustan Times*, 2020) <<https://www.hindustantimes.com/india-news/govt-to-spend-rs-50-000-crore-to-develop-coal-sector-nirmala-sitharaman/story-Aivg5VKqY5oYDeIVmtbq0J.html>> accessed 13 October 2021

the people at a high table that they are not correct. We should all get involved, the public needs more ecological literacy. Indians especially Urban Indians need to involve themselves more and more in issues like this which may not immediately affect them right now.

As a nation where there are 22 official languages under the 8th Schedule of the Indian constitution and a draft is published only in 2 languages (*English and Hindi*) excludes a substantial amount of citizens from public discourse participation, the government must under Article 14 of the Indian Constitution give the equal opportunity to each and every citizen of the country to participate and comment on the same is also directed by Delhi²³ and Karnataka²⁴ High courts. The logical perspective from the lens of legal, moral as well as constitutional perspective proves to be quite arbitrary.

CONCLUSION

We can say that The EIA 2006 notification was not a sufficient requirement for environmental protection and courts from time to time had to direct the proponents as to how to proceed. Several provisions as discussed in the research paper are against the public as well as the environment and arbitrary in the way that favors the government and project proponents in the hidden blanket of ease of doing the business, definitely are favorable for the economy of the country after all in the World Bank's report of Ease of Doing Business 2019 report, India rose steadily from 142nd in 2014 to 63rd in 2019, up from 180 countries and in 2020 with a rank of 32 development of this kind is certainly not the only way to do so; what the legislature could learn from the other country's implementation plans is how they managed to get the development at a large scale along with saving bio-diversity with the process like sustainable development, Singapore can be a good example of it. Just relaxing the norms for business-oriented people will not be helpful for a nation. Although the government has assured the citizens that striking a

²³ Press Trust of India, 'Will Publish Draft EIA 2020 in 22 Regional Languages, Centre Tells Delhi High Court' (@businessline, 2021) <<https://www.thehindubusinessline.com/news/national/will-publish-draft-eia-2020-in-22-regional-languages-centre-tells-delhi-high-court/article36143150.ece>> accessed 13 October 2021

²⁴ Mustafa Plumber, 'Draft EIA 2020: Karnataka HC Extends Stay on Publication of Final Notification until Further Orders' (Livelaw.in, 2021) <<https://www.livelaw.in/top-stories/draft-eia-2020-karnataka-hc-extends-stay-on-publication-of-final-notification-until-further-orders-162513>> accessed 13 October 2021

balance between environmental and development concerns is of utmost importance and in fact the bedrock on which the EIA 2020 thrives. When the EIA is completed, it is expected to balance the perspectives of multiple stakeholders according to the government.

All in all This draft EIA notification is an irrational attempt by the state to stimulate the growth of industries, manufacturing, construction, and businesses at the expense of biodiversity, natural and political rights of humans, and the environment. The draft will inevitably face implementation difficulties and requires a thorough review to do justice to the environmental, development, sustainability, and unceasing points. Although the final notification has not been given to the public till now, many environmentalists hope that the government would take their points into consideration as the judicial tendency to eliminate the sanctions after the inclusion and extension of the public hearing period would probably lead to a review of these aspects. In addition, provisions such as discretion in defining strategic projects and lowering key compliance standards dilute the nature of environmental audits. The rule of 'ease of doing business was adopted in the past to avoid red-tapism that tends to slow the overall procedure, but it should not become a veil for corporate deception. On the other hand, as may not be the case too many compliance burdens tend to discourage the project proponents and industry participants from undertaking development projects in a country as a result many third world countries are following this procedure with the hope that this will bring the country the long-awaited prosperity by increasing the size of the economy. With Some fine-tuning and a critical need to strike a balance between environmental protection and infrastructural development needs to be done that minimizes regulatory pressure while maintaining the equilibrium of environmental impact would be the ideal course of action.